

REMARKS

The present Supplemental Amendment is being filed in response to the telephone interview with the Examiner. Claims 1, 2 and 10 are pending. Claims 1, 2 and 10 were rejected in the previous Office Action. Claims 3-9 and 11 have been cancelled. Claim 1 has been amended. Support for the amendment can be found, for example, on page 10, line 19 to page 11, line 2, Fig. 1A of the instant specification.

Applicant thanks the Examiner for providing Applicants' representative a telephone interview on January 14, 2010.

The rejection of claim 1 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fitzpatrick et al. (US 5,546,527) in view of Hemenway et al. (US 5,638,505) and Evans et al. (US 7,130,070) is respectfully traversed.

Applicant respectfully submits that the newly cited reference of Evans is not a prior art under 103(a). In particular, the earliest filing date for Evans is January 17, 2001, which is after the May 26, 2000 foreign priority date of the instant application. Since Applicant has filed a certified English translation of the foreign priority application JP 2000-157086 of the instant application on May 22, 2006, the 103(a) rejection via 102(e) using Evans is overcome, see MPEP 2136.05.

For the above reasons, claim 1 is allowable.

It is respectfully requested that the rejection of claims 2 and 10, each being dependent from independent claim 1, also be withdrawn.

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____ /Leonidas Boutsikaris/
Leonidas Boutsikaris
Reg. No. 61,377

LB:tlm
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100